

REMARKS

The Office Action dated March 6, 2008 has been received and considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Claims 1-9, 12-24, and 27-30 were rejected under § 103(a) over U.S. Patent No. 6,703,946 to Flick in view of U.S. Publication No. 2002/0028655 to Rosener et al. Claims 10-11, 25-26, and 31 were rejected under § 103(a) over Flick '946 in view of Rosener et al., and that combination further in view of U.S. Patent No. 5,918,172 to Saunders.

Independent claims 1, 16, and 31 recite a communication device mobile with respect to a vehicle. The Examiner conceded that Flick '946 does not teach a communication device that is mobile with respect to the vehicle, but posited that one of ordinary skill would substitute a cell phone as taught by Rosener for the receiver 29 of Flick. Such a modification would destroy the intended purpose of Flick, and therefore the proposed combination is not obvious under § 103(a).

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01(v), citing *In re Gordon*, 221 USPQ 1125, 733 F.2d 900 (Fed. Cir. 1984). In Flick '946, the receiver 29 is wired to a vehicle security controller 28, and passes signals from one or more remote transmitters 60 to the controller 28. Col. 7, lines 15-19; FIG. 2. The cellular telephone of Rosener et al. is not capable of being wired to the vehicle security controller 28 of Flick '946, nor is it capable of receiving signals from a remote security controller. The proposed substitution is therefore impermissible because it would render Flick '946 unsatisfactory for its intended purpose.

Independent claims 1, 16, and 31 are therefore allowable, as are the remaining claims that depend therefrom. Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

CONCLUSION

Applicant does not believe that additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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